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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 18, 2010

8:20 p.m.

EXTRAORDINARY SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT VALESKY: The
3 Senate will please come to order.

4 I ask everyone present to please
5 rise and recite with me the Pledge of
6 Allegiance.

7 (Whereupon, the assemblage recited
8 the Pledge of Allegiance to the Flag.)

9 ACTING PRESIDENT VALESKY: In the
10 absence of clergy, may we bow our heads in a
11 moment of silence.

12 (Whereupon, the assemblage
13 respected a moment of silence.)

14 ACTING PRESIDENT VALESKY:
15 Senator Klein.

16 SENATOR KLEIN: Mr. President, is
17 there a proclamation from the Governor at the
18 desk?

19 ACTING PRESIDENT VALESKY: There
20 is a proclamation at the desk.

21 The Secretary will read.

22 THE SECRETARY: "Pursuant to the
23 power vested in me by Article IV, Section 3 of
24 the Constitution, I hereby convene the Senate

1 and the Assembly of the State of New York in
2 Extraordinary Session, at the Capitol, in the
3 City of Albany, on the 18th day of January,
4 2010, at 8 o'clock p.m., for the purpose of
5 considering legislation I will submit with
6 respect to significantly increasing New York
7 State's likelihood of winning the maximum
8 allocable funds for education in the federal
9 Race to the Top competition, and for the
10 consideration of legislation with respect to
11 such other subjects as I may recommend.

12 "Given under my hand and the Privy
13 Seal of the State in the city of Albany this
14 17th day of January in the year 2010, by the
15 Governor, David A. Paterson."

16 ACTING PRESIDENT VALESKY: The
17 proclamation have been read, we are in
18 extraordinary session.

19 Senator Klein.

20 SENATOR KLEIN: Mr. President,
21 can you please have the Secretary call to
22 determine if we have a quorum present.

23 ACTING PRESIDENT VALESKY: The
24 Secretary will proceed with a quorum call.

1 THE SECRETARY: Senator Adams.
2 SENATOR ADAMS: Yes.
3 THE SECRETARY: Senator Addabbo.
4 SENATOR ADDABBO: Yes.
5 THE SECRETARY: Senator Alesi.
6 SENATOR ALESI: Here.
7 THE SECRETARY: Senator
8 Aubertine.
9 SENATOR AUBERTINE: Present.
10 THE SECRETARY: Senator Bonacic.
11 SENATOR BONACIC: Here.
12 THE SECRETARY: Senator Breslin.
13 SENATOR BRESLIN: Here.
14 THE SECRETARY: Senator
15 DeFrancisco.
16 SENATOR DeFRANCISCO: Here.
17 THE SECRETARY: Senator Diaz.
18 SENATOR DIAZ: Present.
19 THE SECRETARY: Senator Dilan.
20 SENATOR DILAN: Here.
21 THE SECRETARY: Senator Duane.
22 (No response.)
23 THE SECRETARY: Senator Espada.
24 SENATOR ESPADA: Here.

1 THE SECRETARY: Senator Farley.
2 SENATOR FARLEY: Here.
3 THE SECRETARY: Senator Flanagan.
4 SENATOR FLANAGAN: Here.
5 THE SECRETARY: Senator Foley.
6 SENATOR FOLEY: Present.
7 THE SECRETARY: Senator
8 Fuschillo.
9 SENATOR FUSCHILLO: Present.
10 THE SECRETARY: Senator Golden.
11 SENATOR GOLDEN: Yeah.
12 THE SECRETARY: Senator Griffo.
13 SENATOR GRIFFO: Here.
14 THE SECRETARY: Senator Hannon.
15 SENATOR HANNON: Here.
16 THE SECRETARY: Senator
17 Hassell-Thompson.
18 SENATOR HASSELL-THOMPSON: Here.
19 THE SECRETARY: Senator Huntley.
20 SENATOR HUNTLEY: Here.
21 THE SECRETARY: Senator C.
22 Johnson.
23 SENATOR CRAIG JOHNSON: Here.
24 THE SECRETARY: Senator O.

1 Johnson.
2 SENATOR OWEN JOHNSON: Here.
3 THE SECRETARY: Senator Klein.
4 SENATOR KLEIN: Here.
5 THE SECRETARY: Senator L.
6 Krueger.
7 SENATOR LIZ KRUEGER: Here.
8 THE SECRETARY: Senator C.
9 Kruger.
10 SENATOR CARL KRUGER: Present.
11 THE SECRETARY: Senator Lanza.
12 SENATOR LANZA: Present.
13 THE SECRETARY: Senator Larkin.
14 SENATOR LARKIN: Present.
15 THE SECRETARY: Senator LaValle.
16 SENATOR LaVALLE: Here.
17 THE SECRETARY: Senator Leibell.
18 SENATOR LEIBELL: Here.
19 THE SECRETARY: Senator Libous,
20 excused.
21 Senator Little.
22 SENATOR LITTLE: Present.
23 THE SECRETARY: Senator
24 Marcellino.

1 SENATOR MARCELLINO: Here.

2 THE SECRETARY: Senator Maziarz.

3 SENATOR MAZIARZ: Here.

4 THE SECRETARY: Senator McDonald.

5 SENATOR McDONALD: Here.

6 SENATOR WINNER: Mr. President.

7 ACTING PRESIDENT VALESKY:

8 Senator Winner, why do you rise?

9 SENATOR WINNER: Thank you.

10 Mr. President, can we have a complete roll
11 call for the quorum? It's always very
12 disappointing for me, in the end of the
13 alphabet, not to be able to answer.

14 ACTING PRESIDENT VALESKY:

15 Senator Winner, a quorum has been established
16 at this time.

17 SENATOR WINNER: Can we have a
18 complete quorum call of all the members to
19 determine who is present and who is not
20 present.

21 ACTING PRESIDENT VALESKY: The
22 Secretary will continue with the roll call of
23 the members.

24 THE SECRETARY: Senator

1 Monserrate.

2 SENATOR MONSERRATE: Here.

3 THE SECRETARY: Senator

4 Montgomery.

5 SENATOR MONTGOMERY: Here.

6 THE SECRETARY: Senator Morahan.

7 SENATOR MORAHAN: Here.

8 THE SECRETARY: Senator Nozzolio.

9 SENATOR NOZZOLIO: Present.

10 THE SECRETARY: Senator Onorato.

11 SENATOR ONORATO: Here.

12 THE SECRETARY: Senator

13 Oppenheimer.

14 SENATOR OPPENHEIMER: Present.

15 THE SECRETARY: Senator Padavan.

16 SENATOR PADAVAN: Here.

17 THE SECRETARY: Senator Parker.

18 (No response.)

19 THE SECRETARY: Senator Perkins.

20 SENATOR PERKINS: Here.

21 THE SECRETARY: Senator

22 Ranzenhofer.

23 SENATOR RANZENHOFER: Here.

24 THE SECRETARY: Senator Robach.

1 SENATOR ROBACH: Here.
2 THE SECRETARY: Senator Saland.
3 SENATOR SALAND: Here.
4 THE SECRETARY: Senator Sampson.
5 SENATOR SAMPSON: Here.
6 THE SECRETARY: Senator Savino.
7 SENATOR SAVINO: Here.
8 THE SECRETARY: Senator
9 Schneiderman.
10 SENATOR SCHNEIDERMAN: Here.
11 THE SECRETARY: Senator Serrano.
12 SENATOR SERRANO: Here.
13 THE SECRETARY: Senator Seward.
14 SENATOR SEWARD: Here.
15 THE SECRETARY: Senator Skelos.
16 SENATOR SKELOS: Here.
17 THE SECRETARY: Senator Smith.
18 SENATOR SMITH: Here.
19 THE SECRETARY: Senator Squadron.
20 SENATOR SQUADRON: Here.
21 THE SECRETARY: Senator
22 Stachowski.
23 SENATOR STACHOWSKI: Here.
24 THE SECRETARY: Senator Stavisky.

1 SENATOR STAVISKY: Present.

2 THE SECRETARY: Senator

3 Stewart-Cousins.

4 (No response.)

5 THE SECRETARY: Senator Thompson.

6 SENATOR THOMPSON: Here.

7 THE SECRETARY: Senator Valesky.

8 ACTING PRESIDENT VALESKY: Here.

9 THE SECRETARY: Senator Volker.

10 SENATOR VOLKER: Here.

11 THE SECRETARY: Senator Winner.

12 SENATOR WINNER: Here.

13 THE SECRETARY: And Senator

14 Young.

15 SENATOR YOUNG: Here.

16 ACTING PRESIDENT VALESKY:

17 Senator Klein, a quorum has been established.

18 The extraordinary session may proceed.

19 SENATOR KLEIN: Mr. President, I

20 believe there's a privileged resolution at the

21 desk. I ask that the resolution be read in

22 its entirety and move for its immediate

23 adoption.

24 ACTING PRESIDENT VALESKY:

1 Senator Klein, has this resolution been deemed
2 privileged and submitted by the office of the
3 Temporary President?

4 SENATOR KLEIN: Yes, it has,
5 Mr. President.

6 ACTING PRESIDENT VALESKY: The
7 Secretary will read.

8 THE SECRETARY: By Senator
9 Sampson, Senate Resolution Number 1, providing
10 for the introduction of bills in the Senate
11 during Extraordinary Session.

12 "RESOLVED, That notwithstanding any
13 provision of the rules to the contrary, all
14 bills introduced when the Senate is in
15 Extraordinary Session shall be by the
16 Committee on Rules or on message from the
17 Assembly, and shall be referred to the
18 Committee on Rules of the Senate, with the
19 exception of any bills making an
20 appropriation, which shall be referred to the
21 Committee on Finance of the Senate pursuant to
22 the Legislative Law Section 23."

23 ACTING PRESIDENT VALESKY: The
24 question is on the resolution. All in favor

1 signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT VALESKY:

4 Opposed, nay.

5 (No response.)

6 ACTING PRESIDENT VALESKY: The

7 resolution is adopted.

8 Senator Skelos.

9 SENATOR SKELOS: I'd like to ask
10 a question of the esteemed Deputy Majority
11 Leader.

12 Do we expect this evening -- now,
13 the Governor's bill went to Rules? Are we
14 going to have a discussion or a debate on the
15 Governor's bill this evening?

16 ACTING PRESIDENT VALESKY:

17 Senator Klein.

18 SENATOR KLEIN: Mr. President, is
19 there any further business at the desk?

20 ACTING PRESIDENT VALESKY:

21 Senator Klein, the desk is clear.

22 SENATOR KLEIN: Mr. President,
23 there being none, I adjourn at the call of the
24 Temporary President.

1 SENATOR WINNER: Mr. President.

2 ACTING PRESIDENT VALESKY: There
3 being no further business --

4 SENATOR WINNER: Mr. President --

5 ACTING PRESIDENT VALESKY: -- the
6 Senate will stand in recess at the call of the
7 Temporary President.

8 SENATOR WINNER: -- I'd like a
9 roll call on the motion to adjourn.

10 ACTING PRESIDENT VALESKY:
11 Senator Klein.

12 SENATOR KLEIN: Mr. President, I
13 don't believe that the roll call is subject to
14 adjournment. We adjourned.

15 SENATOR WINNER: I'd like a fast
16 roll call on the motion to adjourn,
17 Mr. President, by a show of hands.

18 A motion to adjourn is by a vote of
19 the majority of those present. And we'd like
20 to see a vote -- a show of hands to see --

21 SENATOR KLEIN: Mr. President, at
22 this time can we please stand at ease.

23 SENATOR WINNER: -- whether or
24 not a majority is present.

1 ACTING PRESIDENT VALESKY: The
2 Senate stands at ease.

3 SENATOR WINNER: Mr. President,
4 I'd like a vote on the motion to stand at
5 ease. Mr. President.

6 Mr. President, point of order.

7 ACTING PRESIDENT VALESKY:
8 Senator Winner, state your point of order.

9 SENATOR WINNER: There is a
10 motion before the house as to whether or not
11 there has been a majority vote to stand at
12 ease.

13 I ask for a recorded vote on the
14 motion to stand at ease. It is not my
15 understanding that there is a majority vote in
16 support of that motion. Therefore, I would
17 like to have a vote on the motion to stand at
18 ease.

19 ACTING PRESIDENT VALESKY:
20 Senator Winner, your motion is out of order.
21 There is no requirement for a vote to stand at
22 ease.

23 SENATOR WINNER: Mr. President, I
24 would like to appeal the ruling of the chair.

1 SENATOR KLEIN: Mr. President, I
2 ask you allow for a vote on the overruling of
3 the chair.

4 ACTING PRESIDENT VALESKY: That's
5 what we will proceed with at this time.

6 All those in favor of overruling
7 the decision of the chair please signify by
8 raising your hand.

9 SENATOR WINNER: Slow roll call.

10 ACTING PRESIDENT VALESKY: Once
11 again, all in favor of overruling the decision
12 of the chair please raise their hand.

13 The Secretary will announce the
14 results.

15 THE SECRETARY: Ayes, 29. Nays,
16 29.

17 SENATOR WINNER: Mr. President.

18 ACTING PRESIDENT VALESKY:
19 Having -- excuse me one second, Senator
20 Winner.

21 Having failed to obtain the
22 necessary votes, the ruling of the chair is
23 sustained and the appeal is denied.

24 SENATOR WINNER: Mr. President,

1 point of order.

2 ACTING PRESIDENT VALESKY: The
3 Senate will stand at ease.

4 SENATOR WINNER: Point of order,
5 Mr. President. Mr. President, point of order.

6 (Whereupon, the Senate stood at
7 ease at 8:29 p.m.)

8 (Whereupon, the Senate reconvened
9 at 9:08 p.m.)

10 ACTING PRESIDENT VALESKY:
11 Senator Aubertine.

12 SENATOR AUBERTINE: Thank you,
13 Mr. President.

14 I'd like to make a motion that we
15 adjourn at the call of the President Pro Tem.

16 ACTING PRESIDENT VALESKY: On
17 motion, the Senate stands adjourned at the
18 call of the Temporary President.

19 (Whereupon, at 9:09 p.m., the
20 Senate adjourned.)

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